

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FN 2003-004929

06/14/2004

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT  
E. Gonzales  
Deputy

IN RE THE MARRIAGE OF  
JOANANN MARY GAWI

FILED: 06/23/2004

JOANANN MARY GAWI  
5016 E BAKER DR  
CAVE CREEK AZ 85331

AND

MOUHCINE GAWI

MOUHCINE GAWI  
4722 E BELL RD #3124  
PHOENIX AZ 85032

DOCKET-FAMILY COURT CCC

HEARING/JUDGMENT/DECREE

Prior to the start of Trial, Petitioner's Exhibits 1 through 6 are marked for identification.

1:51 p.m. This is the time set for Trial. Petitioner/Wife is present on her own behalf.  
Respondent/Husband is present on his own behalf.

A recording of this proceeding is made by CD in lieu of a court reporter.

Joanann Gawi and Mouhcine Gawi are sworn.

**THE COURT NOTES** that the parties attended a Settlement Conference on June 1, 2004 before Commissioner Nancy Bodinet but were unable to come to any agreements on the disputed issues at that time. The Court has not received a pretrial statement from either party.

Husband testifies that he is withdrawing his request for spousal maintenance.

Wife testifies that she is not seeking an award of spousal maintenance and that Husband's withdrawal of his request for spousal maintenance is appropriate.

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**LET THE RECORD REFLECT**, pursuant to agreement of the parties, the parties are waiving their right to spousal maintenance.

**THE COURT NOTES** that the parties were married on August 4, 1999.

Wife testifies and requests that the Court order Husband to be responsible for paying his dental expenses and the credit card debt in his name for a total of \$11,537.00. Wife further testifies that she will be responsible for \$77,502.00 of debt in her name.

Husband testifies that he did not open any credit card accounts other than Best Buy and should not be responsible for any other debts.

Discussion is held regarding community debt.

**THE COURT FINDS**, pursuant to agreement of the parties, that Husband shall be solely responsible for the debt directly related to travel expenses for Husband's mother.

Discussion is held regarding real property.

Wife testifies that she owned the home located at 5016 East Baker Drive, Cave Creek, Arizona prior to the marriage.

**LET THE RECORD REFLECT** that the Court has been provided with a Disclaimer Deed dated July 26, 2002 indicating that Husband waived any claim to an interest in Wife's real property.

Husband testifies that it is his signature which appears on the Disclaimer Deed dated July 26, 2002 but claims that he should be awarded credit for improvements made to the home during the marriage.

Husband testifies that he left numerous personal items at the house when he was ordered to leave pursuant to the Order of Protection and he would like them returned. Husband identifies the items which include a guitar, a D.J. mixer, computer, Moroccan antiques, the older home theater system, clothes, boots and video tapes.

Wife testifies that she has none of the items in her possession that Husband has requested and that Husband has already retrieved the items but, she does have the older home theater system which she received prior to the marriage.

**THE COURT NOTES** that on October 3, 2003 Husband requested to be allowed back into the home to retrieve his personal belongings.

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Husband testifies that on or about October 8, 2003 he went to the residence to retrieve his belongings with a police stand by given the Order of Protection but was unable to take all of his belongings because they would not fit into his car.

**THE COURT FINDS** that Husband has failed to meet his burden with respect to his claim regarding personal property which he may have left in the residence.

Wife testifies that Husband claimed her daughter from a prior marriage on Husband's 2003 income tax returns and Wife requests that she be reimbursed for the money she would have received in a tax refund.

Husband testifies that he did claim Wife's daughter on his 2003 income taxes because he paid for the child's medical insurance.

**THE COURT FINDS** that it is not reasonable for Husband to claim Wife's child on his income tax returns.

**IT IS ORDERED** that within two (2) weeks Husband shall file amended 2003 Federal and State tax returns removing his claim for Wife's daughter, Melissa Lehmann, so that Wife may file amended 2003 Federal and State income tax returns claiming her daughter.

**IT IS FURTHER ORDERED** that within two (2) weeks Husband shall provide a copy of the amended 2003 tax returns to Wife and shall file a Notice of Compliance with Court Order and attach a copy of the amended returns to the Notice.

Further discussion is held regarding the community debt.

Petitioner's Exhibits 4 and 5 are received in evidence.

Discussion is held regarding medical insurance coverage for Wife.

Husband testifies that he obtained medical insurance coverage for Wife as ordered by the Court on February 6, 2004. Husband provides the insurance card to the Court. Husband testifies that he could not communicate directly with Wife regarding the insurance coverage due to the Order of Protection but he provided the card to his document preparer to send to Wife.

Wife testifies that she was told by her medical provider(s) that there was no record of insurance coverage for her. Wife further testifies that she consequently obtained COBRA insurance through Husband's former employment at Mayo.

**IT IS ORDERED** that Wife shall apply to the insurance carrier as reflected on the insurance card provided by Husband for reimbursement of her medical expenses incurred during the period of time Husband carried insurance for Wife.

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Wife requests reimbursement for the cost of obtaining the COBRA insurance which totals \$1,200.00.

The Court will take Wife's request for reimbursement of the COBRA premiums under advisement.

Discussion is held regarding credit card debt and dental expenses.

**THE COURT FINDS** that the Court has been presented with evidence indicating that on the following accounts, Husband was the sole account holder: Best Buy, American Express, Capital One, CitiBank, Direct Merchants, MasterCard through Card Service Center, MasterCard through Provident Bank and the dental expenses sought to be collected through Rapid Collection Systems.

**THE COURT FURTHER FINDS** that Husband is fully responsible for repayment for all of those debts for which Husband is the sole account holder.

**THE COURT FURTHER FINDS** that Wife is fully responsible for repayment of all of the current debt/creditors listed in her name and as identified in Exhibit 4 at page 2 and page 3, a total of 16 different creditors for a total debt of \$77, 502.00, \$61,000.00 of which is Wife's debt owed on her vehicle.

Discussion is held regarding the big screen television and the washer and dryer.

Wife provides jurisdictional testimony and requests to be restored to her former name of Lehmann.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to re-file relevant exhibits as needed in support of any appeal. Re-filed exhibits must be accompanied by a Notice of Re-filing Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all re-filed exhibits.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

**ISSUED:** Exhibit Release Form.

4:44 p.m. Matter concludes.

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LATER:

**DISSOLUTION OF MARRIAGE**

**THE COURT FINDS** that at least one of the parties has been domiciled in the State of Arizona for more than 90 days immediately preceding the filing of the Petition; that the conciliation provisions of A.R.S. § 25-381.09, and the domestic relations education provisions of A.R.S. §25-352 either do not apply or have been met; that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation. The Petitioner is not now pregnant.

To the extent it has jurisdiction to do so, the Court has considered and made provisions for maintenance and disposition of property, and, where applicable, support, custody and visitation.

**IT IS ORDERED** that the marriage heretofore existing between the parties is dissolved, and each party is returned to the status of a single person effective upon the signing and entry of this Decree.

**SPOUSAL MAINTENANCE**

Pursuant to agreement of the parties,

**IT IS ORDERED** that neither party shall be awarded spousal maintenance.

**COMMUNITY DEBTS**

**IT IS ORDERED** that Husband shall be 100% responsible for the debt solely in his name which includes Best Buy, American Express, Capital One, CitiBank, Direct Merchants, MasterCard through Card Service Center, MasterCard through Provident Bank and the dental expenses sought to be collected through Rapid Collection Systems and shall hold Wife harmless from repayment of those debts and shall indemnify her thereon.

**IT IS FURTHER ORDERED** that Wife shall be 100% responsible for repayment of all of the current debt/creditors listed in her name and as identified in Exhibit 4 at page 2 and page 3, a total of 16 different creditors for a total debt of \$77, 502.00, \$61,000.00 of which is Wife's debt owed on her vehicle and shall hold Husband harmless from repayment of those debts and shall indemnify him thereon.

**IT IS FURTHER ORDERED** that any debt incurred by either party in their own name during the course of the marriage forward including after the date of separation shall be the sole and separate responsibility of that party.

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**IT IS ORDERED** denying Wife's request for reimbursement of the COBRA insurance premium in the amount of \$1,200.00,

**PERSONAL PROPERTY**

**IT IS ORDERED** awarding to Husband the washing machine as his sole and separate property.

**IT IS FURTHER ORDERED** awarding to Wife the dryer as her sole and separate property.

**IT IS FURTHER ORDERED** awarding to Wife the big screen television as her sole and separate property.

Given the parties' current living arrangements,

**IT IS FURTHER ORDERED** that Wife shall make the washing machine available to Husband for pick up by no later than November 15, 2004.

**REAL PROPERTY**

By agreement of the parties,

**IT IS ORDERED** affirming to Wife, as her sole and separate property, the real property located at 5016 East Baker Drive, Cave Creek, Arizona 85331, legally described as Lot 40, Tatum Ranch Parcel 27, according to Book 367 of Maps, Page 24, records of Maricopa County, Arizona.

**FORMER NAME**

Pursuant to Wife's request,

**IT IS ORDERED** restoring Wife to her former name of Lehmann.

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**IT IS FURTHER ORDERED** that the requirements of Rule 58(d) are waived out of necessity, on the part of the court, to shorten the administrative time involved in the processing of a separate written order and to conserve judicial resources. This minute entry is accordingly signed as the formal written order of the Court.

/S/ HON. MARGARET R. MAHONEY

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JUDICIAL OFFICER OF THE SUPERIOR COURT

FILED: Exhibit Worksheet, Trial Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.